

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-9-D

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
SHELBY SHERROD PETTIES,)	
)	
Defendant.)	

On November 12, 2020, with the consent of the parties, the court held a bench trial. As explained below, the court finds Shelby Sherrod Petties (“Petties” or “defendant”) guilty beyond a reasonable doubt of (1) failure to register as a sex offender between August 2012 and on or about February 18, 2013, in violation of 18 U.S.C. § 2250(a), (2) failure to register as a sex offender on or about February 6, 2013, in violation of 18 U.S.C. § 2250(a), and (3) failure to register as a sex offender on or about February 9, 2013, in violation of 18 U.S.C. § 2250(a).

I.

The court has reviewed the entire record, credited the testimony of Inspector Brandon Taylor, and taken judicial notice of Petties’s 2014 convictions in North Carolina. The court enters these findings of fact and conclusions of law. See Fed R. Crim. P. 23(c). To the extent any findings of fact should be designated as a conclusion of law, it should be considered a conclusion of law. To the extent any conclusion of law should be designated a finding of fact, it should be considered a finding of fact.

In January 2005, Petties (then age 21) impregnated a 14-year old girl after having intercourse with her. As a result of this offense, on October 31, 2005, in the Superior Court of the District of

Columbia, Petties was convicted of second degree child sex abuse. See Gov't Ex. 1. On January 12, 2006, the Superior Court of the District of Columbia sentenced Petties to 36 months' custody, with 35 months suspended, and 2 years' supervised release. See Gov't Exs. 1 & 2. On April 7, 2006, Petties registered as a sex offender in the District of Columbia. See Gov't Ex. 2. When Petties registered, Petties signed a Sex Offender Registration Information Acknowledgment form, which required Petties to maintain and update his sex offender registration for ten years and to notify the District of Columbia Sex Offender Registry ("DCSOR") of any address change within three days. See id. On April 25, 2006, August 21, 2008, January 8, 2009, May 26, 2010, and August 18, 2011, Petties submitted Sex Offender Verification forms to DCSOR as required. See Gov't Exs. 3.a-3.e.

By August 2012, Petties had traveled in interstate commerce by moving from Washington, D.C. to Fayetteville, North Carolina, but he knowingly failed to register as a sex offender in North Carolina and update his registration as required by the Sex Offender Registration and Notification Act. See Gov't Exs. 4, 5, 6, 7 & 8. On February 18, 2013, Petties was arrested in Fayetteville, North Carolina, and charged with first degree kidnapping and second degree rape. Petties committed the kidnapping and rape on February 6, 2013, in Fayetteville, North Carolina. See Gov't Exs. 7, 8. After his arrest, Petties provided an unprotected statement admitting that he moved to Fayetteville in August 2012, and that he knowingly did not register as a sex offender or update his registration with the Cumberland County Sheriff's Department ("CCSD") as required by the Sex Offender Registration and Notification Act. See id. Petties knowingly failed to register or update his registration because he wanted "to start over" in North Carolina. According to Petties's Sex Offender Registration Information Acknowledgment form, Petties was required to notify the DCSOR and the CCSD's of his departure from the District of Columbia and his arrival in Fayetteville. See

id.; Gov't Ex 2. On January 8, 2014, as a result of Petties's conduct on February 6, 2013, Petties pleaded guilty in Cumberland County Superior Court to first degree kidnapping and second degree rape and received a sentence of 50 to 120 months' custody. Petties committed first degree kidnapping and second degree rape on February 6, 2013, while knowingly in violation of the Sex Offender Registration and Notification Act. See Gov't Exs. 6, 7, 8.

On February 9, 2013, while in violation of the Sex Offender Registration and Notification Act, Petties kidnapped and assaulted a second female victim in Fayetteville, North Carolina. See Gov't Exs. 7, 8. Both the victim and Petties made statements to law enforcement about his conduct on February 9, 2013. See id. On February 22, 2013, Petties was arrested on charges stemming from that incident. See id. On January 8, 2014, due to his offense conduct of February 9, 2013, Petties pleaded guilty in Cumberland County Superior Court to second degree kidnapping and misdemeanor assault on a female and received a sentence of 50 to 120 months' custody. Petties committed second degree kidnapping and misdemeanor assault on a female on February 9, 2013, while knowingly in violation of the Sex Offender Registration and Notification Act. See Gov't Exs. 6, 7, 8.


II.

In sum, Shelby Sherrod Petties is GUILTY of (1) failure to register as a sex offender between August 2012 and on or about February 18, 2013 in violation of 18 U.S.C. § 2250(a) (count one), (2) failure to register as a sex offender on or about February 6, 2013, in violation of 18 U.S.C. § 2250(a) (lesser included offense in count two); and (3) failure to register as a sex offender on or about February 9, 2013, in violation of 18 U.S.C. § 2250(a) (lesser included offense in count three).

In accordance with this court's order of November 9, 2020, the court will now consider defendant's motion to dismiss counts two and three as multiplicitous. See [D.E. 110]. The court will punish Petties only for one of the three convictions. See id. Not later than January 22, 2021,

the United States shall identify the count for which it seeks punishment. Defendant may file a response not later than February 5, 2021. The United States may reply not later than February 12, 2021.

SO ORDERED. This 7 day of January 2021.



JAMES C. DEVER III
United States District Judge